

GOA STATE INFORMATION COMMISSION

'Kamat Towers', Seventh Floor, Patto, Panaji –Goa

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Appeal No. 119/2022/SCIC

Mr. Brutano Peixoto,
R/o. H.No. 56/2, Cavorim,
Covatem Chandor, Salcete-Goa.

.....Appellant

V/S

1. The Public Information Officer,
Office of Superintendent,
Administration Branch,
Police Head Quarters,
Panaji-Goa.

2. The First Appellate Authority,
Superintendent of Police,
Head Quarters,
Panaji-Goa.

.....Respondents

Shri. Vishwas R. Satarkar

State Chief Information Commissioner

Filed on: 26/04/2022

Decided on: 24/11/2022

ORDER

1. The Appellant, Mr. Brutano Peixoto, r/o/ H. No. 56/2, Cavorim, Covatem Chandor, Salcete-Goa by his application dated 10/01/2022 filed under sec 6(1) of the Right to Information Act, 2005 (hereinafter to be referred as 'Act') sought certain information from the Public Information Officer (PIO), Office Superintendent, Administration Branch, Office of the Director General of Police, Panaji-Goa.
2. The said application was responded by the PIO on 08/02/2022 in the following manner:-

Pt. No.	Question	Reply
1	As per your application point No. 1	Certified Copy of letter of Police Head Quarters vide No. CA-II/C-80/LOP/PSI/8990/2008 dated 28.11.2008, addressed to the Special Secretary (Home), Secretariat, Porvorim is enclosed as Annexure-A (01 page).

2.	As per your application point No. 2	Does not pertain to this office
3.	As per your application point No. 3	Exempted u/s 8(1)(j) of RTI Act 2005.
4	As per your application point No. 4	Certified copy of Order No. CA-II/C-81/LOP&C/PSI/15017/2013 dated 18.12.2013 is enclosed as <u>Annexure-B</u> (02 pages).

3. Aggrieved and not satisfied with the reply of the PIO, the Appellant preferred first appeal before the Superintendent of Police, Head Quarters at Panaji-Goa, being the First Appellate Authority (FAA).
4. The FAA by its order dismissed the first appeal on 24/03/2022 upholding the reply of the PIO.
5. Aggrieved and dissatisfied with the order of the FAA, the Appellant landed before the Commission by this second appeal under Section 19(3) of the Act.
6. Notices were issued to the parties, pursuant to which, the PIO, Shri. Ramakant Mandrekar appeared and filed his written submission on 04/07/2022 and matter was posted for final arguments on 07/10/2022.
7. During the course of arguments on 07/10/2022, the PIO submitted that he has furnished all the information to the Appellant, except, information at point No. 3, which information relates to the minutes of Police Establishment Board for lifting probation period and confirmation in the Post of PSI, hence, said information has been exempted under Section 8(1)(j) of the Act.

As against this Adv. A.P. Mandrekar appearing on behalf of Appellant submitted that he is seeking the information related to his own case and that he is not interested in obtaining the third party information or information related to other PSI from the Police Department.

Therefore, taking overall view of the matter and in the interest of justice, the Commission directed the PIO to disclose the information considering the principle of reasonable severability under Section 10(1) of the Act and matter was posted for compliance on 01/11/2022.

8. On the date of hearing on 01/11/2022, the PIO Shri. Vasudev P. Garudi appeared and submitted that he is ready and willing to provide the information which is permissible by law. However, Adv. Mandrekar insisted for inspection of file. In order to sort out the matter amicably, with the consent of both the parties, the Commission fixed the inspection of file on 14/11/2022 between 10.30 am to 11.30 am in the office of the PIO, Police Head Quarters at Panaji with the direction to the PIO to furnish the permissible information to the Appellant and matter was posted for compliance on 24/11/2022.
9. Today i.e. on 24/11/2022, the Appellant Brutano Peixoto appeared alongwith his counsel Adv. A.P. Mandrekar and submitted that, he has carried out the inspection of the file and obtained the purported information from the PIO and that he is satisfied with the information provided by the PIO. He also made endorsement on the appeal memo "Received information".

Since the purported information has been furnished free of cost to the Appellant nothing survived. Accordingly the matter is disposed off.

- Proceedings closed.
- Pronounced in the open court.
- Notify the parties.

Sd/-

(Vishwas R. Satarkar)
State Chief Information Commissioner